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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,862	11/25/2000	Paul Lapstun	NPT008USUS	3962

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BALMAIN, 2041
AUSTRALIA

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,862

Applicant(s)

LAPSTUN ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendment faxed 27 October 2003.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on the applications PQ0559, PQ1313, PQ3457, and PQ4392, which filed in Australia, on 5/25/1999, 6/30/1999, 6/30/1999, and 12/1/1999, respectively. It is noted, however, that applicant has not filed a certified copy of these foreign applications as required by 35 U.S.C. 119(b). The examiner respectfully/regretfully withdraws the acknowledgement of applicant's foreign priority under 35 U.S.C. 119(a)-(d), which had been made on the paper no. 5, until the above certified foreign applications should be filed.
3. For the purpose of examination of this Office action, the examiner respectfully uses the filing date, which is 25 November 2000, as the effective/priority date of this application.

Claim Objections

4. Claims 2 and 17 are objected to because of the following informalities:

Re claims 2 and 17, line 2: "comprising" is not a proper phrase for a Markush claim and should be substituted with "consisting of".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2 and 4-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jared et al. (US 6,208,771; hereinafter "Jared").

Re claims 1, 8: Jared teaches a region (i.e., a glyph address carpet 1612 in fig. 16) having coded data (i.e., visual indicia 1610 in fig. 16; or John's doc2, David's doc1, David's doc2, and Noah's doc1 in fig 18) disposed thereon, wherein at least some of the coded data includes data indicative of a functional attribute of a part of the region (i.e., the data address codes/glyphs corresponding to the visible indicia/icon; see col. 10, line 43 through col. 11, line 16); and data indicative of a location (such as, the location of John's doc2 on the codes/glyphs carpet; see figs. 16-21 and 29-31; col. 10, line 43 through col. 14, line 61; and col. 19, line 49 through col. 20, line 23).

Re claims 2, 9: Jared teaches the region, wherein the functional attribute indicates an icon (i.e., visual indicia 1610 in fig. 16; or John's doc2, David's doc1, David's doc2, and Noah's doc1 in fig 18), which is a button and/or a drawing field.

Re claims 4, 6-7, 10-11, 13-14: Jared teaches the region, wherein some of the coded data also includes data indicative of an identity (i.e., the identity of John, David, and/or Noah); and wherein the identity is indicative of a location in the region (e.g., David's doc2 is in the glyph carpet in fig. 18).

Re claims 5, 12: Jared teaches the region, wherein some of the coded data also includes data indicative of an identity and a location (such as, the identity of John and the location of John's doc).

Re claims 15-17: Jared teaches a sensing device (1710 in fig. 17 or figs. 28a and 28b) for use with a region having coded data disposed thereon, at least some of the coded data including data indicative of a functional attribute of a part of the region and data indicative of a location, the sensing device being configured for sensing and reacting to the data indicative of a functional attribute of a part of the region and the data indicative of a location (see figs. 16-21 and 29-31; col. 10, line 43 through col. 14, line 61; and col. 19, line 49 through col. 20, line 23).

Re claim 18: Jared teaches the sensing device, wherein when the sensing device senses data indicative of a functional attribute of a part of the region, the sensing device transmits, to a computer system (1712 in fig. 17), the sensed data or data based at least partially on the sensed data (see figs. 16-21 and 29-31; col. 10, line 43 through col. 14, line 61; and col. 19, line 49 through col. 20, line 23).

Re claims 19-20: Jared teaches a system including a computer system (1712 in fig. 17), and a sensing device (1710 in fig. 17) for use with a region having coded data thereon, at least some of the coded data including data indicative of a functional attribute of a part of the region; and data indicative of a location, the sensing device (1710 in fig. 17) being configured to sense at least some of the coded data and to determine therefrom at least some of the data indicative of a functional attribute of a part of the region and the data indicative of a location, the sensing device also being configured to transmit, to the computer system, the sensed data or data based at least partially on the sensed data, wherein the computer system executes, or commences execution of, a function related to the functional attribute of the sensed data (see figs. 16-21 and 29-31; col. 10, line 43 through col. 14, line 61; and col. 19, line 49 through col. 20, line 23).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN
17 April 2004



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